

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES OF THE NEW YORK CITY :
DISTRICT COUNCIL OF CARPENTERS :
PENSION FUND, WELFARE FUND, :
ANNUITY FUND, AND APPRENTICESHIP, :
JOURNEYMAN RETRAINING, :
EDUCATIONAL AND INDUSTRY FUND, :
et al., :
Petitioners, :
: -v- :
GENRUS CORP., :
Respondent. :
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No. 17-CV-2193 (VSB) (BCM)

ORDER

VERNON S. BRODERICK, United States District Judge:

On March 27, 2017, Petitioners Trustees of the New York City District Council of Carpenters Pension Fund, Welfare Fund, Annuity Fund, and Apprenticeship, Journeyman Retraining, Educational and Industry Fund; Trustees of the New York City Carpenters Relief and Charity Fund; the New York City and Vicinity Carpenters Labor-Management Corporation; and the New York City District Council of Carpenters (together, “Petitioners”) filed a petition to confirm an arbitration award. (Doc. 1.) Respondent Genrus Corp. (“Respondent”) failed to respond to the petition or otherwise appear. On July 5, 2017, I referred the unopposed petition to Magistrate Judge Barbara C. Moses for a determination as to liability and damages. (See Docs. 8, 9.)

On October 23, 2018, Judge Moses issued a Report and Recommendation advocating that I confirm the arbitration award and, as modified, grant Petitioners’ application for attorneys’ fees

and costs. (Doc. 10.) No objections have been filed, the deadline for objections has passed, and no request for an extension has been filed. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). When a party submits a timely, specific objection, a district court reviews de novo the parts of the report and recommendation to which the party objected. *Id.*; *see also* Fed. R. Civ. P. 72(b)(3). With regard to a report and recommendation that is not objected to, or the unobjected-to portions of a report and recommendation, a district court reviews the report and recommendation, or the unobjected-to portion thereof, for clear error. *DiPilato v. 7-Eleven, Inc.*, 662 F. Supp. 2d 333, 339 (S.D.N.Y. 2009); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

I have reviewed Judge Moses’s Report and Recommendation for clear error and find none. Accordingly, I hereby ADOPT the Report and Recommendation, (Doc. 10), in its entirety. The arbitration award requiring Respondent to pay Petitioners \$38,284.50, plus simple interest to accrue at a rate of 5.75% from the date of the award until the date of judgment, is affirmed. Petitioners are entitled to attorneys’ fees and costs in the amount of \$850.00. Petitioners are also entitled to post-judgment interest at the rate provided for by 28 U.S.C. § 1961, from the date of entry of judgment until it is paid. The Clerk of Court is respectfully directed to enter judgment accordingly and close the case.

SO ORDERED.

Dated: May 20, 2019
New York, New York



Vernon S. Broderick
United States District Judge